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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/573,504 | 03/20/2007 | Hughes Fanielle | OT-5270 | 3553 |

7590 02/25/2009
Lisa A. Bongiovi
Otis Elevator Company
10 Farm Springs
Farmington, CT 06032

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| EXAMINER |
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PICO, ERIC E

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| ART UNIT | PAPER NUMBER |
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3654

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02/25/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|--|--|
| Office Action Summary | Application No. 10/573,504 | Applicant(s) FANIELLE ET AL. | |
| | Examiner ERIC PICO | Art Unit 3654 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 March 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01/07/2009 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the antifall safety device, as claimed in claim 1, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate

changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim(s) 1 and 4-8** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Asaeda et al. JP Publication No. 2000-034072 in view of Chen et al. U.S. Patent No. 6164418.

5. **Regarding claim 1**, Asaeda et al. discloses a method for mounting a car drive machine to a structure in a hoistway, the method comprising:

6. positioning the drive machine 5 on a support 9 on a top of an elevator car 7; wherein the vertical height of the support relative to the top of the elevator car is substantially fixed;

7. lifting the elevator car 7 until the drive machine 5 is slightly above the structure 6;

8. moving the support 9 with the drive machine 5 so as to position the machine 5 immediately above a fixing position;
9. lowering the elevator car 7 so as to place and fix the drive machine 5 on the structure 6; and
10. moving the support 9 so as to free the support 9 from the drive machine 5.
11. Asaeda et al. is silent concerning an elevator car that includes an antifall safety device; and lifting the elevator car with the antifall safety device locked.
12. Chen et al. teaches an elevator car 20 that includes an antifall safety device 25.
13. It would have been obvious to one of ordinary skill in the art at the time of the invention to include an antifall safety device as taught by Chen et al. and lift the elevator car disclosed by Asaeda et al. with the antifall safety device locked to provide an instant emergency brake if the elevator car falls.
14. **Regarding claim 4**, Asaeda et al. discloses wherein the support 9 is fixed to a rigid element of the elevator car 7.
15. **Regarding claim 5**, Asaeda et al. discloses wherein the lifting of the elevator car 7 is performed by an auxiliary lifting device 11, the auxiliary lifting device is a man-lift winching gear connected between the elevator car 7 and a hoistway ceiling, shown in Figures 7 and 8.
16. **Regarding claim 6**, Asaeda et al. discloses fixing the drive machine 5 directly to a rail 3.
17. **Regarding claim 7**, Asaeda et al. discloses fixing the drive machine 5 onto a support frame 6 fixed to a top of a rails 3.

18. **Regarding claim 8**, Asaeda et al. discloses securing the drive machine to the support frame 6.

19. **Claim(s) 3** is/are rejected under 35 U.S.C. 103(a) as being unpatentable over Asaeda et al. JP Publication No. 2000-034072 in view of Chen et al. U.S. Patent No. 6164418 as applied to claim 1 above, and further in view of Wittek U.S. Patent No. 3357582.

20. **Regarding claim 3**, Asaeda et al. discloses wherein the support 9 is a table or frame provided with a plate.

21. Asaeda et al. is silent concerning the plate being mounted sliding transversally on the table or frame.

22. Wittek teaches a plate 14 being mounted sliding transversally on a table or frame.

23. It would have been obvious to one of ordinary skill in the art at the time of the invention to mount the plate disclosed by Asaeda et al. sliding transversally on the table or frame as taught by Wittek to facilitate the handling of the drive machine.

Response to Arguments

24. Applicant's arguments filed 12/01/2008 have been fully considered but they are not persuasive.

25. In response to applicant's that "is it respectfully submitted that the drawings of the instant application do not need to include an antifall safety device because such devices are conventional in the elevator art. As such, the antifall safety device is not "necessary

for the understanding of the subject matter sought to be patented” an element conventional in the art does not prohibit it from being necessary for the understanding of the subject matter sought to be patented. Although an antifall safety device is conventional in the elevator art it is necessary for the understanding the claimed subject matter “an elevator car that includes an antifall safety device”; and “lifting the elevator car with the antifall safety device locked” sought in claim 1. Furthermore, under 37 CFR 1.83(a) the drawings must show every feature of the invention specified in the claims.

26. Applicant's arguments with respect to claims 1 and 4-8 under 35 U.S.C. 102(b) have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC PICO whose telephone number is (571)272-5589. The examiner can normally be reached on 6:30AM - 3:00PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3654

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EEP

/Peter M. Cuomo/

Supervisory Patent Examiner, Art Unit 3654